

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ZULAY ANDREA ALVAREZ, GERARDO AYALA,  
ANIBAL YAGUACHI CAMPOVERDE, EDUARDO  
GABRIEL VILLAFUERTE CHAVEZ, CESAR CUA,  
RAFAEL HERNANDEZ, OSCAR SANCHEZ JUAREZ,  
EDUARDO MUMOZ, ELIAS ANTONIO CHAVEZ  
PENA, and ALEJANDRO PEREZ, on behalf of  
themselves, and those similarly situated,

ORDER

**20-CV-10452 (GBD) (JW)**

Plaintiffs,  
-against-

FINE CRAFTSMAN GROUP, LLC, JOSEPH  
ZYSKOWSKI, and KRZYSZTOF POGORZELSKI,  
jointly and severally,

Defendants.

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**JENNIFER E. WILLIS, UNITED STATES MAGISTRATE JUDGE:**

This Court prepared a Report and Recommendation for District Judge Daniels concerning the parties' cross-motions for summary judgement. Dkt. No. 65 at (the "Report").

The Court's Report recommended that Defendants' summary judgment motion be denied, and that Plaintiffs' summary judgment motion be granted in part and denied in part. Id. at 24. The Court denied Plaintiffs' partial summary judgment motion on the alleged nonpayment of overtime due to a lack of evidence in the record. Id. at p. 20.

Plaintiffs objected to the Report claiming that "the underlying Requests for Admission...were not previously submitted due to a clerical error." Dkt. No. 69 at 4.

Judge Daniels adopted the Report in its entirety with one exception. Crediting that there was "additional evidence that Plaintiffs failed to include in their original

motion due to clerical error,” Judge Daniels recommitted “the decision on overtime” back to the Court for “further consideration as to whether Plaintiffs are entitled to summary judgment as to the Defendants’ alleged failure to pay overtime.” Dkt. No. 70 at 12.

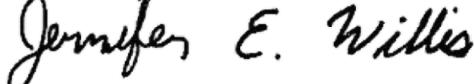
Therefore, the Plaintiffs shall file a letter motion articulating their argument on the alleged failure to pay overtime, and they shall attach as exhibits to the letter motion the relevant underlying Requests for Admission, as well as the referenced exhibits D83 and D85. See Dkt. No. 51-1 at 13, ¶¶ 96-98 (“[c]onsistently, Defendants’ records admit that overtime was not paid. (See for example D83)...[i]t is undisputed that Plaintiffs Campoverde, Chavez, and Pena worked hours in excess of 40 at some point during their tenure (D85).”).

Plaintiffs’ letter motion shall be no longer than one page (single-spaced) and **is due March 28, 2023**. Defendants may file their own letter motion in opposition to Plaintiffs’ letter motion **by April 3, 2023**. Defendants’ letter motion shall also be limited to a single page.

Only arguments on the narrow issue of the alleged failure to pay overtime will be considered.

SO ORDERED.

Dated: New York, New York  
March 23, 2023

  
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JENNIFER E. WILLIS  
United States Magistrate Judge